

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE CASSAVA SCIENCES, § No. 1:21-cv-00751-DAE
INC. §
SECURITIES LITIGATION §
_____ §
This Document Relates to: §
§
ALL ACTIONS §

ORDER

Before the Court is lead Plaintiff Mohammad Bozorgi and additional Plaintiffs Ken Calderone and Manohar K. Rao's (collectively, "Plaintiffs") Opposed Motion for Class Certification. (Dkt. # 148.) On November 15, 2024, Magistrate Judge Susan Hightower submitted a Report and Recommendation, recommending the Court grant Plaintiffs' Opposed Motion for Class Certification. (Dkt. # 254.)

However, two days prior, on November 13, 2024, Plaintiff filed an Opposed Motion for Leave to File Second Supplemented Complaint to add new corrective disclosures and supporting allegations based on events occurring after June 12, 2024. (Dkt. # 252 at 6.) Defendants Cassava Sciences, Inc. and Eric J. Schoen (the "Cassava Defendants") oppose Plaintiff's Motion for Leave. (Id. at 8; Dkt. # 275.) Specifically, the parties dispute whether the proposed Second Supplemented Complaint will extend the Class Period or will amend the proposed

Class definition in any way, which would therefore require reopening class certification briefing. (Id. at 5–6.)

In addition, on November 27, 2024, Defendants filed a Motion to Exclude the Class Certification Testimony of Dr. Steven Feinstein, which was included and relied upon in Plaintiffs Motion for Class Certification. (Dkt. # 268 at 8.) On December 11, 2024, in response to this motion to exclude, Plaintiffs filed their Opposed Motion to Strike Defendants' Motion to Exclude the Class Certification Testimony of Dr. Feinstein. (Dkt. # 276.) The parties dispute whether the motion to exclude was timely filed or whether it was filed against Magistrate Judge Hightower's order (Dkt. # 219 at 3) to "not file any new evidence." (Dkts. ## 276 at 2–3; 284 at 2.) The resolution of these pending motions may also potentially affect the recommendation pertaining to the class certification.

In light of the changes in circumstances and newly raised arguments that may affect the disposition of the class certification, the Court will **DENY WITHOUT PREJUDICE** Plaintiffs' Motion for Class Certification (Dkt. # 148) subject to refiling. In the event the Motion for Leave to File Second Supplemented Complaint is denied (Dkt. # 252), the Motion for Class Certification shall be refiled within thirty (30) days of the Court's ruling, and this Court shall promptly

take up said Motion. The Court shall provide further scheduling instructions to the parties in its forthcoming rulings.

CONCLUSION

For the reasons above, the Court **DENIES WITHOUT PREJUDICE** Plaintiffs' Opposed Motion for Class Certification, subject to refiling after the ruling on the above-mentioned pending motions. (Dkt. # 148.)

IT IS SO ORDERED.

DATED: Austin, Texas, February 25, 2025.



David Alan Ezra
Senior United States District Judge